IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

Crl.Rev.Pet.No. 2485 of 2007()

CRA.149/2007 of SESSIONS COURT, ERNAKULAM
MC.6/2006 of JUDL.MAGISTRATE OF FIRST CLASS, KOLENCHERRY

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REVN. PETITIONER:

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1. RAJU, S/O.CHACKO, MANGALATH HOUSE, EZHAKARANAD(S), MANEED VILLAGE, MUVATTUPUZHA TALUK.

2. THOMAS, S/O.POULOSE, ADAMARAKATTIL HOUSE, EZHAKARANAD(S), MANEED VILLAGE, MUVATTUPUZHA TALUK.

BY ADV. SRI.GEORGIE SIMON

RESPONDENTS:

STATE, REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.S. SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 26/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Crl.R.P. No. 2485 of 2007

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Dated, this the 26th day of June 2007

ORDER

Heard the learned counsel for the revision petitioners and the learned Public Prosecutor.

2. Revision Petitioners stood as sureties for the first accused in C.C. 761 of 2000 on the file of J.F.c.M., Kolencherry. Consequent on the non-appearance of the accused in the above case, proceedings were initiated against the petitioners under Sec. 446 Cr.P.C. In spite of due receipt of notice under Sec. 446 Cr.P.C. the petitioners remained absent and, accordingly, on 23-8-2006 the trial court imposed the bond amount of Rs. 10,000/- each as penalty under Sec. 446 Cr.P.C. Since the appeal preferred by the petitioners as Crl. Appeal No. 149 of 2007 before the Sessions Court, Ernakulam, was out of time and since the petition to condone the delay filed by the petitioners was dismissed, the appeal was consequently dismissed as time-barred. It is the said order which is assailed in this Revision.

3. Having regard to the fact that the accused in C.C. No. 761 of 2001 subsequently settled the matter resulting in acquittal consequent on the withdrawal of the complaint under Sec. 257 Cr.P.C.

I am inclined to give some remission to the petitioners. Accordingly, the proceedings initiated as Crl.M.C. 6 of 2006 on the file of the Judicial First Class Magistrate, Kolencherry will stand modified to the following effect:-

> **"The petitioners shall remit a sum of Rs. 3,000/- (Rupees three thousand only) each by way of penalty within one month from today instead of the entire bond amount of Rs. 10,000/- imposed on them by the trial court ".**

With the above modification, this Revision Petition is disposed of as above.

V. RAMKUMAR,
(JUDGE)

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